

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

WAYNE WAGENHALS :  
v. : C.A. No. 05-436A  
JOANNE BARNHART, Commissioner, :  
Social Security Administration :  
:

**MEMORANDUM AND ORDER**

This matter is before the Court for judicial review of a final decision of the Commissioner of the Social Security Administration denying benefits to Plaintiff under the Social Security Act, 42 U.S.C. § 405(g). This action was commenced on October 18, 2005. With the consent of the parties, this case has been referred to me for all further proceedings and the entry of judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

On December 27, 2005, this Court issued a Scheduling Order (Document No. 6) which required Plaintiff to file a motion to modify, reverse, or remand the decision of the Commissioner by February 28, 2006. To date, Plaintiff has not filed his Motion and has not moved for an enlargement of time to file his Motion under Fed. R. Civ. P. 6(b). Thus, absent any communication from Plaintiff, this Court presumes that he has chosen not to pursue this appeal, and Plaintiff's Complaint is hereby DISMISSED for failure to comply with the Court's Scheduling Order.<sup>1</sup> Final Judgment shall enter in favor of Defendant thirty (30) days after the date of this ORDER.



LINCOLN D. ALMOND  
United States Magistrate Judge  
March 21, 2006

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<sup>1</sup> This Court has read the ALJ's decision dated July 29, 2005 and the transcript of the March 30, 2005 hearing, and finds that the ALJ's decision appears on its face to be well-reasoned and supported by the record.